

BOARD OF MAYOR AND ALDERMEN

May 1, 2001

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Minutes Accepted

- A. Minutes of meetings held on September 26, 2000; and October 3, 2000 (two meetings).

Informational - to be Received and Filed

- B. Minutes of an MTA meeting held on March 27, 2001 and copies of the Financial and Ridership Report for the month of March 2001.
- C. Copy of a communication from the Public Works Director to Property Owners and Business Tenants located within the designated Downtown Refuse Collection Zone regarding the Containerized Refuse Collection Program.
- E. Communication from Karen Martel, President of Central High School's Association of Music Parents extending an invitation to Board members to attend Central's Jazz Concert on Friday, May 4th beginning at 7:00 PM at Central's McCallister Auditorium, and further advising of Central's Annual Spring Concerts to be held on June 5 & 6, 2001.

REFERRAL TO COMMITTEE

COMMITTEE ON FINANCE

- F. Resolution:

"Authorizing the Finance Officer to effect a transfer of One Million Four Hundred Thousand Dollars (\$1,400,000) from the 1999 CIP 510199 Riverfront Project to certain 2001 CIP Projects."

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- I.** Advising that it has accepted the third quarter write off list for the Accounts Receivable module from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.
- J.** Advising that it has accepted monthly Financial Statements through period ending March 31, 2001 from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- K.** Recommending that it has reviewed and approved proposed ordinance changes to fees for food establishments and other Health Department inspectional services, and recommends that same be referred to the Committee on Accounts, Enrollment and Revenue Administration for review of changes to fees charged and the Committee on Bills on Second Reading for technical review.
- M.** Recommending that a policy/procedure regarding pets not being allowed inside of the City Hall Complex building except for those used to aid handicapped persons be approved.
- N.** Recommending that a request from Diane Prew to dispose of obsolete computer hardware be granted and approved.
- P.** Recommending that a request to:
 - a) designate the area generally bordered by Elm Street to the east, Brook Street to the north, Granite Street to the south, and the Merrimack River to the west as the "Riverfest Area" from September 7-9, 2001;
 - b) instruct the City Clerk not to issue permits to any vendors in this area during the celebrationbe granted and approved under the direct supervision of Police, Fire, Traffic, Risk, Highway, and City Clerk.
- Q.** Recommending that a request from Mary Sartwell seeking permission to hang a 60-foot banner across Elm Street beginning at 5:00 PM and removed immediately after runners and walkers have passed under on Thursday, August 9, 2001 in conjunction with the 9th Annual CIGNA Healthcare Corporate Road Race be granted and approved.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- R.** Advising that it has voted to award the contract for the West High School Stage Renovations Project to Whitcher Builders in the amount of \$78,869.00.
- S.** Advising that it has voted to accept the completion of the Webster School Elevator/ADA Improvements Project.
- T.** Advising that it has accepted the enclosed project financial, architect's, engineer's and contractor's reports for the month of April 2001 relative to High School Stages, Henry J. McLaughlin Jr. Middle School, ADA Accessibility/School Elevators - Parker-Varney Elevator/ADA Improvements, Central and West Heat & Ventilation Improvements Phase V, NORESKO Performance Contract, Roofing Projects - Weston & Manchester School of Technology, Asbestos Abatement - McDonough & Green Acres Schools, CHS/WHs Electrical Improvements, and McLaughlin Middle School Addition and is submitting same to the Board for informational purposes.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- U. Recommending that a request for the closure of Hanover Street, from Elm to Chestnut Streets, beginning at 12 PM on Friday, June 8th and reopening Hanover Street on Sunday, June 10th at 6 PM in conjunction with the First Annual Manchester Jazz and Blues Festival be granted and approved under the direct supervision of City Clerk, Fire, Highway, Police, Traffic and Risk.
- V. Recommending that a request for closure of Merrimack Street, from Elm to Chestnut Streets, beginning at 2 PM in conjunction with the 9th Annual CIGNA Healthcare Corporate Road Race on Thursday, August 9, 2001 be granted and approved under the direct supervision of City Clerk, Fire, Highway, Police, Traffic and Risk.
- W. Recommending that a request for the closure of Arms Parking Lot from Tuesday, September 4, 2001 up to and including Monday, September 10, 2001, and a request that those vehicles possessing valid Arms Park lease stickers be allowed to park "free of charge" in either the Canal Street or Wall Street parking garages during this time be granted and approved under the direct supervision of City Clerk, Fire, Highway, Police, Traffic and Risk.
- X. Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN WIHBY, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- D. Copy of a communication from School Board Member Francoise Elise to the Hillsborough County Superior Court relative to the recently amended Motion for Temporary Orders and Preliminary Injunctive Relief filed by Attorney Dean B. Eggert on behalf of the Manchester School District.

Alderman Shea stated this is directed to the City Solicitor in regard to a communication that Francoise Elise wrote to the Hillsborough County Superior Court...Tom, does her writing this letter impact, at all, the fact that there will be adjudication.

Mayor Baines replied actually we have good news on that...the Judge ruled in a favorable way for the City and, Tom, would you please advise the Board.

Deputy Solicitor Arnold stated first in answer to Alderman Shea's question, I don't think that it will have a significant impact, Alderman, with response to an update to the Board there was a temporary hearing held. At that time, the School was asking for a hearing on its request for temporary orders...the Judge denied that request and set up a further temporary hearing on June 5th and we'll go forward, at least on the temporary portion at that time the full hearing on the merits has been set for sometime in October if I remember correctly.

Mayor Baines stated he basically ordered the parties to get together to try to resolve some of these issues, so we felt very good about that that he took that stance which is what we wanted all along.

Alderman Shea moved that Item D be received and filed. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Accounts, Enrollment and Revenue

Administration:

- G.** Advising that it has accepted a School audited financial statements report from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.

Alderman Wihby asked are we going to have a presentation, I thought we were from the auditor about what went on.

Mayor Baines asked what's the schedule on that, Randy.

Mr. Sherman inquired are you looking for the auditor from the School District or the City.

Alderman Wihby replied both.

Mr. Sherman stated whereas the City just received the School District numbers last Monday, I guess it was, we're just putting the numbers in our financial statements now. Our hope is to have them back here at the next Board meeting and if you want we can see if Mr. Sullivan can come.

Alderman Wihby asked will that be before the School Board comes with their budget, your Honor.

Mayor Baines replied that will be afterwards.

Alderman Wihby stated I think I'd rather hear from the auditors before we meet with the School Department. Can we switch with someone who is going to be the week before.

Mayor Baines stated we have a call in, did the auditor call back today. We tried to reach Mr. Sullivan today to set up some meetings with him, so I'll pursue that tomorrow.

Alderman Wihby stated all of the information I gave Wayne...do you know if anything is being supplied.

Mr. Robinson replied by Friday.

Alderman Levasseur asked do you need any kind of a motion to switch those meetings, so that we hear from the auditor first.

Mayor Baines replied no, we'll work on it based on the auditor's conversation tomorrow...we'll try to get him in here.

Alderman Wihby moved to accept, receive and adopt the report of the Committee.

Alderman Levasseur duly seconded the motion.

Alderman Gatsas stated did you way if he's willing to come in.

Mayor Baines stated I'm assuming he will be, yes.

Alderman Gatsas asked can we leave this on the table then to find out because I have some...

Mayor Baines stated this is just advising that it has accepted the financial statements.

Alderman Hirschmann stated I didn't run the committee this month. But, my understanding is that the committee simply referred it here, so the full Board would see it otherwise they would never see it.

Mayor Baines stated I will accept a motion to table.

Alderman Levasseur moved to table Item G. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

**Report of the Committee on Accounts, Enrollment and Revenue
Administration:**

- H.** Advising that it has accepted a School Chargeback Status report from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.

Alderman Wihby stated I look at the 2001 School Chargeback Status...it looks like \$4.814 million plus the sixty-six from the P&R Recreation Fund, if I'm reading this right, some \$4.881 million is still not paid and then there's \$746,000 from FY2000...do we know what's going on, I know we have this meeting every month and every month we're working with them and we're going to have it for the next meeting and then we get these reports and its seems like it's getting worse.

Mr. Sherman replied at the bottom of that report you'll notice that there is still \$746,000 left unpaid from last year; that is part of actually the \$1.4 million that they're disputing. They have actually paid part of the \$1.4 and are now retroactively disputing it. The report...the top part for the 2001 chargebacks...the \$4.8 million is what the City has billed as the date of this report. They have paid \$2 million (the next column over) which actually leaves from the City side about \$2.8 million as unpaid. Now, you'll notice that some of the departments are not paid at all and again it's the Finance Department's, the administrative departments which is part of what they are disputing for 2000 as well. But, they seem to be paying the Public Maintenance Division seems to be getting paid, Parks is getting paid...they're paying them it's just a matter of the billings and going over to their Finance Committee and coming back...there's a lag, but we haven't had that much problems on the basic departments.

Alderman Wihby asked, Randy, this chart here where it says balance (\$3 million) that's just the balance from what we billed or just what.

Mr. Sherman replied that is just the balance of what we billed that had not been paid as of this date.

Alderman Wihby stated not billed is another \$1.5 million.

Mr. Sherman replied as compared to the estimates yes.

Alderman Wihby stated you've got me lost... \$6.6 million was the total that we wanted that we thought we were going to bill them.

Mr. Sherman replied yes that was the estimate.

Alderman Wihby stated we actually billed \$5.1 million and then \$1.5 million we still haven't billed.

Mr. Sherman replied correct.

Alderman Wihby stated out of the \$5.1 million they've paid \$2 million, so they still haven't paid \$3 million.

Mr. Sherman replied correct.

Alderman Wihby asked is there any number, the big number there is \$2 million in Building Maintenance. Why is that not paid or is that just a new bill.

Mr. Sherman replied it just may be a new bill. I think Barbara bills them quarterly.

Mayor Baines asked is that part of the ServiceMaster arrangement.

Mr. Sherman replied yes.

Alderman Wihby stated so there is nothing in that \$3 million that we should be concerned with that they're saying they don't want to pay.

Mr. Sherman replied the items that they are contesting from last year are items like Finance, Solicitor, City Clerk...they don't feel as though they should be paying those bills...those are relatively small numbers in the scheme of the \$3 million, but my hunch would be that they're going to be disputing those bills as well this year.

Alderman Wihby stated when we passed the budget last year that number was \$6.641 and that number included the bills that Finance and City Solicitor and everybody else...City Clerk and all of those people had submitted to them.

Mr. Sherman replied the \$6.6 million was estimated based on those numbers that you see in that first column.

Alderman Wihby stated it wasn't based on anything from Finance.

Mr. Sherman replied there was nothing in there for Finance, there was nothing in there for Library...

Alderman Wihby stated all of a sudden you bill them.

Mr. Sherman stated those numbers to come up with the \$6.6 were estimates...some departments had talked to School and solidified some of the numbers and other departments hadn't. But, the way the chargebacks are working it's whatever the actual costs are they're getting billed.

Alderman Wihby stated explain to me why Finance, for instance, wouldn't put some numbers together when they did the budget.

Mr. Sherman replied it's very difficult for us to know exactly what the services are that they are going to require from us. So, rather than inflate the revenues on the City side we estimated that, we felt we were being a lot more conservative just leaving it at nothing.

Alderman Wihby stated the year that we are in now, this budget that we are in now what is that number, the Mayor's number for chargebacks.

Mayor Baines replied \$7 million something.

Mr. Sherman replied the one we are in now is the \$6.6 million.

Alderman Wihby stated no, the new budget that we're working on.

Mr. Robinson replied the number is \$6.4 million.

Alderman Wihby asked if in that number did Finance throw any number in there.

Mr. Sherman replied no, I don't believe so.

Alderman Wihby stated I remember when we talked about this issue we said we were going to talk to them and make sure they were willing to have the services that we wanted to give them and if they could find it cheaper somewhere else they'd go somewhere else. So, we never did that, we never got anything in writing from them that said we want to use these services or not.

Mr. Sherman replied no, a lot of the departments actually met with the School Board...I know that Frank Thomas went, Ron Ludwig went over and actually got those...the Finance Officer sent a letter over to the Superintendent explaining here's our hourly rates and depending on what you ask us to do we're going to have to charge you. Again, it's not like we're providing a known service all the time. We can't predict what those hours are going to be.

Mayor Baines interjected the bill was over \$200,000, wasn't it Randy.

Mr. Sherman replied for last year, yes, for Finance.

Alderman Wihby stated in the \$746,000 outstanding.

Mr. Sherman replied yes.

Alderman Wihby stated you only did \$32,000 this year for 2001.

Mr. Sherman replied yes. Most of last year's was the process of the separation, there was a lot of reconciling that needed to be done.

Alderman Vaillancourt stated it looks like a bill of \$5.2 million has been paid which is about 40% which leaves about 60% unpaid, so the pertinent question then becomes what's the lag time on getting this payment. In other words, what is the average turnover from the time you bill it to the time they pay it.

Mr. Sherman replied it could be a couple of months by the time it gets billed to the time we see payment come back.

Alderman Vaillancourt stated no more than that.

Mr. Sherman replied depending on...some of these items go back to last fall. I know Finance billed the first quarter and again there's been no payment coming in.

Alderman Gatsas asked, Randy, is what you're saying is that there was \$5.1 million billed since July of last year and what is the date of this report.

Mr. Sherman replied April 25th.

Alderman Gatsas stated up until April 25th \$5.1 million was billed and only \$2 million has been paid and there's a balance of \$3 million on the old billing, so it's got to be longer than a two-month basis of when people pay.

Mr. Sherman stated not necessarily, it all depends on when they were billed. We can go back and produce an aging report on this and determine when the \$5 million was actually billed and we can test to find out what the turn around is on those.

Alderman Gatsas stated if you look at the percentages there is only \$1.5 million left to be billed for May and June and then the year ends, is that correct.

Mr. Sherman replied that is correct.

Alderman Gatsas stated if we take and divide that \$600,000 and assume it's based on the same one-sixth shouldn't they be paid somewhere around here.

Mr. Sherman replied the \$1.5 represents about 25% left, so that is probably the 4th Quarter's billing that obviously hasn't gone out yet. Now, if the 3rd Quarter billing went out in March and this is an April 25th report or it may even have gone out in April then it would make sense that they haven't paid it yet.

Alderman Gatsas stated that would be \$1.5 million, I agree with that. But, the \$1.5 million that's left on that which would have been a quarter before that hasn't been paid, so that's been over four months.

Mr. Sherman stated yes and I can go back and age this, if you would like.

Alderman Gatsas asked can you get us an aging report.

Mr. Sherman replied yes, I will.

Alderman Pariseau moved to accept, receive and adopt the report listed as Item H.

Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Administration/Information Systems:

- L.** Recommending that it has reviewed and approved proposed Ordinance:
Mosquito Control
and recommending same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Shea stated I think Fred is here and maybe he would like to elaborate a bit on that particular item which is the item recommending the ordinance for mosquito control. Fred, maybe you could help out the general public as well.

Mr. Rusczek stated the item before you that has already been heard by the Committee on Administration, I believe, is one of the components of a West Nile Virus response that we're planning for this year. There is another document that has been forwarded to the Aldermen that details in length what we're proposing to do with West Nile Virus response. From time-to-time we come across situations in our neighborhoods where there is significant mosquito breeding in artificial receptacles or pools that aren't drained or what have you. When we looked at what other communities have been doing we found that they have an ordinance typically that will empower the community to order that the pool or the receptacle that's holding water and breeding mosquitoes be maintained such that it will not breed the mosquitoes that we are concerned about. Again, the West Nile Virus Mosquito breeds typically in artificial containers, it is not something that will breed in running water or large ponds, what have you. So, again, the intent of this ordinance is just to address those situations where education and working with our residents and bring about a reduction in mosquito breeding.

Alderman Shea stated you did mention that there would be help extended to people that might have situations that might cause problems either through the auspices of your office or some other internship.

Mr. Rusczek stated part of our West Nile Virus responses is a request to hire a summer intern to have someone who could answer the questions that come in from the public. We're already receiving between 5 and 10 calls a day on West Nile Virus. There were times last year when we would receive 100 to 300 calls after we found the West Nile Virus positive bird. We would want to use that intern to go out and work with our public on questions and concerns about mosquito breeding.

Alderman Shea asked when can we expect the infestation to begin or approximately the timing.

Mr. Rusczek replied when it comes to controlling mosquitoes we hope that there are things that are done now by members of the public to reduce breeding. Mosquitoes that carry the West Nile Virus typically become a problem a little later in the season mid-June and on through September.

Alderman Thibault stated it's come to my attention that a lot of people feel that the catch basins in the City are probably a major breeding ground for this West Nile Virus and they tell me that chlorinated water, in fact, stops this problem and in talking to you a few minutes ago, I wonder if you could let the rest of the Board know exactly how would we take care of this problem if it could be taken care of. How would we take care of it and I would like you to let the rest of the Board in on what you think on that.

Mr. Rusczek replied when an outbreak occurs with West Nile Virus which is found in mosquitoes then certainly there are things that we need to do as a community to prevent the breeding of the particular mosquitoes that are of concern to us. One strategy is to apply larvae sides to prevent breeding within catch basins. We looked at that for Manchester and we find that there are over 11,000 such catch basins and if we were to larvae side all the catch basins we would be looking at over a hundred thousand applications. The logistics and costs are something that we just can't support or recommend for this year, but what we have done is we've had one member of our staff go on and become a licensed pesticide applicator, so in the event that we need to do something pronto we will have some capacity to do so. We also applied for a permit ahead of time through the State Department of Agriculture again, so we can be ready to respond should we need to do that.

Alderman Levasseur stated in Section 91.51 "the owner or person in control of any piece of property shall at all times maintain the premises free of any barrel, tire, tub, swimming pool, ornamental pool or any other water receptacle and shall treat and maintain such receptacle in a manner as to prevent the breeding of mosquitoes." Where's 91.52, is there any way to enforce this or there's no fine or any actual penalty that's imposed on anyone for following this.

Mr. Rusczek replied our recommendation would be to...if 91.51 isn't employed would be to follow the ticketing procedure that we use, just a simple having the owner or the person in control having failed to comply with this section is a violation.

Alderman Levasseur stated this is not included in the ordinance...that's my question are we going to have that.

Mayor Baines interjected we have that authority under "other".

Mr. Rusczek replied we've used the ticketing under similar language...this is recommended to go out to the Committee on Bills on Second Reading and certainly that discussion could amend it.

Alderman Levasseur stated then you're going to add another section at another time. Will that come to the full Board, your Honor. It'll come back again and then we'll be able to see what the enforcement is. It's still only a partial ordinance and I think it's important that we know that.

Alderman Shea stated I believe that in committee Tim indicated that the fine would follow if people did not, after being counseled or told and I think that they had mentioned that that fine would be similar to the fines that are now presently imposed on other types of health problems if I'm not mistaken.

Mr. Rusczek stated it is certainly our intent to use the general fines and provisions currently within the Code of Ordinances, but if there is a question that they may not apply here we'll examine that further.

Mayor Baines stated we'll be reviewing that with the City Solicitor's Office.

Alderman Shea moved to accept, receive and adopt the report listed as Item L. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

- Report of the Committee on Administration/Information Systems:**
- O. Recommending that a communication from the Chief of Police requesting that the Police Department be allowed to cease in providing local record checks and refer citizens to the Criminal Records Division of the NH State Police be granted and approved.

Alderman Cashin stated this is recommending that the Chief of Police requested the Police Department be allowed to cease in providing local records and referring everybody to the State. I'd just like to know why. It seems to me it's contrary to everything we've been trying to do here.

Chief Driscoll stated we at the Police Department believe that it's in the best interests of the City to not continue to provide this information under 31.11 the City Ordinance that allows us to do it at this time for a \$10.00 fee. As the letter indicates, we've issued 199 this year to date and we'll probably do another 60 during the remainder of the fiscal year...probably the total revenue is about \$2,500. We think there's huge liability and number two the issue is accuracy. If someone comes in and asks for a records check in Manchester we give them that simply a records check in Manchester and then use it and

it's commonly believed that that is their record when, in fact, that's not their record but rather the Manchester record. For accuracy purpose even with the disclaimer that we put on that it probably sends the wrong message. We just don't think it's a good idea. I think probably this is a bad analogy, but it's like going to a doctor and getting a partial physical and then taking that and showing it to someone else and saying I'm fit.

Alderman Cashin asked why couldn't you do the same thing that the Tax Collector's Office does when you go in and register your car. You go in with a check for the State and go in with a check for the City, they take care of it from there and you get your sticker. Why couldn't your clerk, if somebody comes in, fax something up to the State, get the record at the State, bring it back here and give it to the individual. Why couldn't that be done. It seems like it would be more citizen friendly as opposed to saying I'm sorry we don't do it anymore.

Chief Driscoll stated I think the system that we suggest is very citizen friendly, we have the State form there, we provide to the person, JP for the person and then all they need to do is send it. They get a good turn around and it's an accurate, up-to-date record. The people, I think, are more satisfied getting a complete records checks as opposed to going back and saying is this a complete record, telling the person no this is merely Manchester and then starting all over and having to go to the State to get what they've already got from us when ours isn't fully inclusive of all of the issues from around the State.

Mayor Baines stated so the person would still come to the Police Department, get the form. fill it out...

Chief Driscoll stated yes and mail it in, pay the \$10 fee to the State and receive the same service.

Alderman Cashin stated I still think it could be handled at the local level. I don't see why you people couldn't fax that form up, get the answer back and give it to the individual. I know I'm going to vote against it, I don't think it's right, I don't think it's citizen friendly and I think we could do a better job.

Alderman Hirschmann stated I just wanted to echo Alderman Cashin's comments. We are a broker for the car registrations for the State, so we could in essence be a broker for the background checks. Like he said, a fax with a clerk from the State Police, they do the background check and fax it back to you, you collect the revenue and I don't know if we split it with the State, but you're still in the process.

Chief Driscoll stated I can't speak for the State, but I would assume that they would want the revenue.

Alderman Cashin stated I'm not talking about revenue here. I'm talking about service.

Mayor Baines stated I think Alderman Hirschmann was agreeing with you.

Alderman Wihby stated we run the City by committee and this was voted on by the committee. Chief, what is the most reason why these 200 people come to the City.

Chief Driscoll replied people come in for a variety of reasons, they're looking for employment...they're employer asks for...

Alderman Wihby asked do they necessarily go to the State. Once you give them the form is that enough for them.

Chief Driscoll replied sometimes it's good, we do put a disclaimer on it that says it's not a State records check, but merely their record in Manchester. Sometimes it works and sometimes they're asked to go and get something further from the State.

Alderman Wihby stated there is no certain particular thing that they're going for.

Chief Driscoll stated some people just simply want to see their record, some want it for employment reasons.

Alderman Levasseur stated if you go for a liquor license in the City of Manchester in order to get your liquor license you have to have that report and bring it up to the State, so those are other reasons why a lot of people who come into the City and open restaurants or bars need that.

Alderman Wihby asked do they have to go to the State and get another report or just bring that.

Alderman Levasseur stated they bring the one from Manchester, so it's more of a convenience factor like Alderman Cashin is saying you go to Manchester, get Manchester and then bring it up, but I agree with the Chief that it's one of those situations where you can just get it from the State and the State has a much more fully encompassing, so I don't see a problem with it.

Alderman Pariseau asked aren't we hooked up with Concord on driver licenses.

Chief Driscoll replied this is a criminal records checks as opposed to a motor vehicle records check.

Alderman Pariseau asked why can't we do the same as what Alderman Cashin is suggesting that we request via fax.

Chief Driscoll stated I think we would have to get the State to agree to do it and I'm not sure they would. They are the keeper of the records on a statewide basis, we do submit information to them...we submit all of our criminal records, the court submits to them, they are the keeper of the records for the State of New Hampshire and they are the ones that actually sell the information. We actually thought that this would be good, it would be more accurate for the people, it would be convenient, I thought to provide them this form, JP it for them and they would send it off and get accurate information in return.

Alderman Vaillancourt stated so everything you have the State has of these records. Are you sure it's \$10 at the State level...they're not charging \$50 or \$100 or something.

Chief Driscoll replied no I don't think they are. I'm not 100% sure, but I think it's a compatible fee.

Mayor Baines stated it probably depends on what happens in this legislative session.

Alderman Lopez asked, Chief, what is the turn around time from the local police if you want to do a police check versus the State.

Chief Driscoll replied it depends upon the circumstances. We will do them while people wait, it at all possible. Sometimes people...depending upon the number of people working and the workload...will have to come back a day or two later, sometimes people choose to come back a day or two later rather than wait 45 minutes or so and I think at the State they have a good turn around also, but I can't tell you exactly what it is.

Alderman Lopez stated if you were to do the police check and ask the State for a record on me would you have to pay for that.

Chief Driscoll replied no.

Alderman Thibault stated I chaired the last Committee on Accounts and Enrollment and the committee felt at the time that the Deputy Chief was here explaining to us exactly what the Chief is saying here and the committee felt it was a better idea to let the State come out with a final record as compared to the City. I have no problem with what Alderman Cashin is saying and I would support that if that is what the Board wants, but according to the Committee and listening to the Deputy Chief we felt this was a better way of doing it and I believe I speak for the committee members who were present at the time.

Chief Driscoll stated we could not issue State information, we couldn't run an informational check on the State computer and then use that information to publish in our records check; that has to come from the State because they are the keeper of the records.

Alderman Thibault stated I believe the Deputy made that somewhat clear to us and I guess that is why we voted in that fashion.

Alderman Wihby moved to accept, receive and adopt the report listed as Item O.
Alderman Vaillancourt duly seconded the motion.

Alderman Levasseur stated I would just requested, Chief, that you notify certain departments in the State that would require the check, so that the people won't have to come to the City...if you call the Liquor Commissioner and tell them you're not doing the police checks any more they won't make the people come to your station and then do double footwork.

Chief Driscoll stated I will do my very best.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Cashin and Lopez duly recorded in opposition.

Mayor Baines made the following nomination due to the resignation of Christine McMahon's as a member of the Elderly Services Commission.

Elderly Services Commission:

Nominate Irene Robie to replace Christine McMahon, term to expire January, 2003.

On motion of Alderman Cashin, duly seconded by Alderman Pariseau, it was voted to accept the resignation of Christine McMahon with regrets.

Alderman Levasseur moved to suspend the rules. Alderman Shea duly seconded the motion to suspend the rules. There being none opposed, the motion carried.

Alderman Shea moved to confirm the nomination as presented. Alderman Levasseur duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

7. A report of the Committee on Finance was presented recommending that Resolution:

"Authorizing the Finance Officer to effect a transfer of One Million Four Hundred Thousand Dollars (\$1,400,000) from the 1999 CIP 510199 Riverfront Project to certain 2001 CIP Projects."

ought to pass and be enrolled.

Alderman Shea moved to accept, receive and adopt the report of the Committee on Finance. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

8. Report of the Committee on Community Improvement, if available, regarding funding for Hazardous Material Clean-up Fund Project.

Deputy Clerk Johnson stated the committee report is still unable to be submitted, we don't have information for a funding source and our suggestion from the Planning Director is that is be referred back to the CIP Committee, at this time.

Alderman Pariseau moved that Item 8 be referred back to the Committee on CIP. Alderman Levasseur duly seconded the motion. There being none opposed, the motion carried.

9. A report of the Special Committee on the Civic Center was presented recommending that all issues dealing with the civic center including but not limited to traffic movement, parking, signage, shuttle service, planning issues, additional trash pick-up, and additional police officers be referred to the Special Committee on the Civic Center for review and recommendation prior to submission to appropriate Aldermanic Standing Committees.

Alderman Levasseur moved to accept, received and adopt the report of the Special Committee on the Civic Center. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

10. Communication from Mayor Baines requesting the Board accept a donation of a plaque to be affixed to the John Stark statue from the Daughters of the American Revolution.

Alderman Sysyn moved to accept a donation from the DAR. Alderman Hirschmann duly seconded the motion. There being none opposed, the motion carried.

11. Communication from the Fire Chief requesting the Board accept a donation (Warranty Deed enclosed) of a parcel of land situated on East Industrial Park Drive by the Raytheon Company for the Cohas Brook Fire Station.

On motion of Alderman Pinard, duly seconded by Alderman Pariseau, it was voted to accept a parcel of land situated on East Industrial Park Drive by the Raytheon Company for the Cohas Brook Fire Station, subject to the review and approval of the City Solicitor.

Alderman Pinard stated I thank you, the Board and Mayor, I think this is a great moment for the residents of Ward 6. I alone did not do this. The people in Meghan's Meadow that worked very hard with me side-by-side. A gentleman who was an executive of Raytheon was in the background to make this possible. Again, I want to thank you all. Thank you, Ward 6.

Mayor Baines stated it started over two years ago too, so this has been a long journey. So, I really commend all who were involved in making this a reality.

12. Resolution:

"Authorizing the Finance Officer to effect a transfer of One Million Four Hundred Thousand Dollars (\$1,400,000) from the 1999 CIP 510199 Riverfront Project to certain 2001 CIP Projects."

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted that the Resolution be read by title only, and it was so done.

Alderman Sysyn moved that the Resolution pass and be enrolled. Alderman Clancy duly seconded the motion.

Alderman Gatsas stated I just want to make sure that we all understand that even though the \$150,000 for Derryfield is not here that we all understand that it's in there, that it's part of it.

Deputy Clerk Johnson stated the \$150,000 for Derryfield was not in there. There was a clear motion that was made by the Board that there were actually two pieces of that that were not budgeted for as part of this and it was stated that it was intended to be budgeted in the CIP during those discussions that are coming up. There was a motion by the Board to that effect and that gets referred into the Finance Committee to change and find the funding and move funding around for it.

Alderman Gatsas stated I would like to amend that motion then.

Mayor Baines asked is that necessary.

Mr. MacKenzie stated the Board did ask that we find that money, we are in the process of trying to determine where the money would come from and we expect we will have an answer for the CIP Committee which it was referred to next week.

Alderman Gatsas asked who made the decision of where that \$200,000 was going to be spent. I don't remember voting on that.

Deputy Clerk Johnson replied I would have to refer exactly to the minutes, but the amounts that were presented were presented for specific projects at the time and they were listed out and they are listed out in the amending resolution.

Alderman Wihby stated at the last meeting we approved \$1.650 million of which \$1.4 million is this first resolution...the other \$250,000 we asked the Planning Director to go back and find it within the budget...there were three projects: Northwest, Webster and Derryfield that we wanted to take care of and I think CIP will take up where the additional \$250,000 comes, but I think there's a commitment from the Board that the \$250,000 is going to come.

Mayor Baines asked does that satisfy you, Alderman Gatsas.

Alderman Gatsas replied no, I would like to amend that motion to put the \$150,000 in there for Derryfield and then the other two projects can find the other \$200,000 with the balance of \$50,000 that's in there.

Mayor Baines asked can we get some clarification, please.

Alderman Gatsas stated there is \$200,000 additional left over from the \$1.4 million. Of that, \$150,000 be earmarked to Derryfield and \$50,000 to the other two projects.

Deputy Clerk Johnson stated that item he's referring to is part of a different item that is part of Item 13 actually. Number 13 is outlining the projects. I need to look at the resolutions before anything else takes place here.

Alderman Wihby stated out of the \$1.4 million we took \$1.2 million and used that for the roofs; that left \$200,000 in that account. Out of the \$200,000 we wanted to fund \$150,000 at Derryfield and \$300,000 for the other two projects for \$450,000. So, there's \$200,000 left in that account and what Alderman Gatsas is saying is earmark the \$150,000 out of that \$200,000 right now and then when we go back to find the \$250,000 that covers the other projects.

Alderman Shea stated Mr. Gatsas doesn't have to worry about the \$150,000 but the point of the matter is we're on the fast track with this particular allocation and if memory serves

me correctly...the matching for the \$150,000 will not be actualized until after July 1, Ted, because that is what Ron Johnson indicated, so although you have a little bit of anxiety about getting the \$150,000 I really don't think it needs to be because...

Alderman Gatsas interjected, Alderman Shea, let me just clarify the statement so that you understand it. The \$150,000 must be appropriated by this body before he can file his grant in June, it has to already be there and accounted for before he files the grant it has to be earmarked.

Alderman Shea stated the \$1.4 million is for projects on the fast track...is my understanding, therefore, the \$250,000 of which \$150,000 belongs to Derryfield can be brought up within the next meeting when Bob can find the money for this, so I don't really think we should...

Alderman Lopez stated I'll just echo the \$1.4 million is on a fast track...Frank is here...they've probably committed almost all of this money already and the \$150,000 you're looking for is going to be there. He has to submit the application and a commitment of \$150,000 by this Board, I am sure, is going to be there. Between the last meeting we had we went through three different motions on this and \$1.4 million was fast tracked and Bob MacKenzie is going back to CIP and we'll have the \$150,000 in the CIP and I think there's a CIP meeting next week.

Deputy Clerk Johnson stated it can be done if we specifically identify the projects and I am very clear about what we are doing, but we are going to have to reduce the School projects in order to move that money around. You have to reduce the School side and then you'll have to go back and increase School later on.

Mayor Baines asked can't we just leave this, Alderman.

Deputy Clerk Johnson stated I can make one other suggestion and I don't know maybe Mr. MacKenzie can address that but if it's more comfortable it could be tabled until the next meeting.

Alderman Gatsas stated if this Board is guaranteeing me that \$150,000 is going to Derryfield, I will make that motion at the end of the meeting to make sure that everybody is on record that that is where it is going.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Levasseur stated I thought we had appropriated \$1.7 million for that, now I see it's \$1.9 million which scares me because I believe that the \$1.7 million minus the...I'm

talking about the original amount of money that we were going to put into the parking garage down in the Millyard, I thought was \$1.7 million, was it \$1.9 million. So, \$500,000 was spent on the engineering, I thought it was only \$300,000; that's the question because the difference between the \$1.9 and the \$1.4 leaves \$500,000 floating up there.

Mayor Baines asked, Frank, why don't you come up here and try and put this to rest.

Mr. Thomas stated the final approval for the Seal Tanning Garage was \$1.7 million...about \$90,000 went for design in the bidding process. Some of that money between \$1.7 and \$1.6 after design and \$1.4 went to the Nycola Phase of the Riverwalk.

Alderman Levasseur stated I don't have a problem with that at all. What I am trying to say is that \$1 7 million was allocated, but I see \$1.9. Where's the other \$200,000. If you look on 12 the original amount was \$1.9...under (a) amount transferred \$1.4 original resolution adopted April 20, 1999...original amount \$1.9 million. I was always under the impression and you've just clarified that and corroborated that that it was \$1.7, so if it was \$1.9 million there's \$200,000 floating around there.

Mr. Thomas stated I believe it was a bond that was floated in the amount of \$1.9 million. Maybe Bob can answer that.

Alderman Levasseur asked okay, where's the \$200,000.

Mr. MacKenzie stated there were several allocations for the Riverwalk and parking in total. One of those bond issuances was \$1.9 million...of that \$1.7 million wasn't identified for parking at that time. There was just a general allocation...the total allocations do come up to \$4 million and that's where the Highway Department has worked back to show that \$1.4 million is left uncommitted.

Alderman Levasseur asked whatever happened to the \$200,000...you just put that in somewhere else.

Mr. Thomas replied the \$200,000 is part of the total \$4 million and if you remember I had a summary that allocated all of that money in different areas and what was free and unencumbered after and what was approved with that contingency amount.

**13. Amending Resolution and Bond Resolutions submitted for expedited
FY2002 Budget projects:**

"Amending the 1999 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Ten Million Eight Hundred Seventy Five Thousand Dollars (\$10,875,000) for certain FY2001 CIP Capital Improvement Projects."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million One Hundred Thousand Dollars (\$3,100,000) for the 2001 CIP 330401, McLaughlin Middle School Addition Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Two Million One Hundred Thousand Dollars (\$2,100,000) for the 2001 CIP 330501, School Capital Improvement Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Three Hundred Forty Thousand Dollars (\$1,340,000) for the 2001 CIP 511601, Parks Capital Improvement Project."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Four Hundred Eighty Five Thousand Dollars (\$1,485,000) for the 2001 CIP 711001, Public Works Infrastructure Improvements Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of Four Hundred Fifty Thousand Dollars (\$450,000) for the 2001 CIP 711101, Parking Facility Improvement Program."

"Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2001 CIP 820201, City Motorized Equipment Replacement Program."

Alderman Pinard moved that the Resolutions be read by titles only. Alderman Wihby duly seconded the motion.

Alderman Pariseau moved to dispense with the reading of the Resolutions by titles only. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Alderman Pariseau moved that the Amending Resolution and Bond Resolutions pass and be Enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines read a Proclamation into the record.

PROCLAMATION

The Manchester Letter Carriers in conjunction with the National Association of Letter Carriers, US Postal Service, the United Way, and the AFLCIO will conduct their Annual Food Drive on Saturday, May 12, 2001. The Manchester Food Drive will allow Manchester residents to place non-perishable food items at their doors on that day for collection by letter carriers. The food collected will be distributed to community food banks, pantries, homeless shelters and the people of Manchester and those organizing and participating in the Food Drive deserve the admiration and appreciation of a grateful City for the contribution they are making to others and to the betterment of the community.

THEREFORE, I, Robert A. Baines, by virtue of the authority vested in me as
Mayor of the City of Manchester do hereby proclaim

Saturday, May 12, 2001

as Letter Carrier Food Drive Day in Manchester and urge all to leave a food item by their doors and mailboxes on that day.

Mayor Baines stated I would like to present this to Alderman Lopez on behalf of the City to all of the letter carriers and urge all of the citizens of Manchester to leave food on Saturday, May 12th.

Alderman Lopez stated Russ Ouellette is a letter carrier and is also a School Board Member and could not be here this evening which is why I am accepting it because I was the Chairman for six years when I was a letter carrier. This is a worthy cause...all the food that is collected in the City of Manchester stays in the City of Manchester and all I can say is that on that day be very, very generous and put a bag outside in front of your mailbox and the letter carriers will pick them up. Thank you very much.

TABLED ITEM

14. Communication from Alderman Vaillancourt regarding HB429 relative to binding arbitration for city disputes (includes original communication, memo regarding Dover, memo regarding Portsmouth, and also a communication from the Chief Negotiator in opposition to HB429.)
(Tabled April 17, 2001)

On motion of Alderman Levasseur, duly seconded by Alderman Vaillancourt, it was voted to remove item 14 from the table for discussion.

Alderman Levasseur stated I know there was a motion for reconsideration up at the State House and I was just wondering what happened.

Alderman Vaillancourt replied the motion for reconsideration failed. The Bill has passed the House and is now wending its way through the Senate. I'm not sure what the status is in the Senate, I assume it has been referred to a committee, not yet. So, the Board of Mayor and Aldermen of the City of Manchester, the largest City in the State will indeed have an opportunity tonight to go on record as every other City, I believe, in the State has opposing binding arbitration for Police and Firemen, so you so desire.

Alderman Pariseau stated I just want to know when it's due in the Senate, do you have any schedule.

Alderman O'Neil stated to the best of my knowledge unless Alderman Gatsas knows something different...as of today, I did not see a date for this to go before a committee and they're out at least one week at this point for committee meetings.

Alderman Levasseur moved to retable item 14. Alderman Pinard duly seconded the motion. The motion carried with Alderman Vaillancourt duly recorded in opposition.

Alderman O'Neil stated if anyone had any questions give me a call and I'll try to answer them.

15. NEW BUSINESS

Communication from Deputy Solicitor Arnold submitting a conservation easement over a portion of land on East Industrial Park Drive.

On motion of Alderman Pariseau, duly seconded by Alderman Shea, it was voted to authorize the Mayor to accept a conservation easement for and on behalf of the City, as enclosed herein, for a parcel of land situated on East Industrial Park Drive by the Raytheon Company for the Cohas Brook Fire Station, subject to the review and approval of the City Solicitor.

Alderman Thibault stated I'd like to find out here about a motion I brought up to this Board maybe two years ago regarding the \$1.00 surcharge in conjunction with the Civic Center and would like to make sure that this Board understands that it passed when I brought it and would like to know where it is today and who, in fact, is going to be tracking that \$1.00 surcharge and would like this to be on record so that we may refer back.

Deputy Clerk Johnson replied that was referred to the Civic Center Committee as I understood it at the time.

Mayor Baines asked if we could ask the Civic Center Committee to review that issue and report back to the Board.

Alderman Gatsas stated I certainly hope we're not sending the wrong message to anybody because when the House was preparing their budget there was conversation about charging an entertainment tax, so let's not send a message that somebody is going to open this can of worms.

Mayor Baines stated let it go back to committee and then we can report back to the Board.

Alderman Vaillancourt stated that budget isn't quite passed yet, give us a couple more days. I would like to commend Airport Director Kevin Dillon for his work with the people in the Brown Avenue/Riverbank area for work in an area that has been very difficult, but I think he's shown tremendous expertise and ability to deal with the people there regarding the 12 houses that were taken and I guess there's 7 more that are going to be taken...he had a meeting Sunday night for the people in that area which was very amicable and the Airport is going to be expending some money to build a 5 foot earth berm down there. I never thought something like this would be expedited in a couple of

years let alone a couple of months and I just consider it a privilege as the Ward 8 Alderman to be working with Mr. Dillon not to mention any predecessors or anything like that, but I certainly want to commend him and express the appreciation of people in that area who went along unanimously, I believe, the other night with his recommendation. We are, indeed fortunate.

Mayor Baines stated I would like to echo those comments as a resident of that part of the City, we do appreciate all of the efforts that Mr. Dillon has done with the neighborhoods and recognizing the fact that we need to work with them and that they are part of the process and he's gone out of his way to make that happen.

Alderman O'Neil stated a bill in Concord and I might end up yielding to my colleague from Ward 8 for a little more information, but there is HB 375 that is coming up on Thursday, I believe, and there are a couple parts of it...but one of the parts of it has to do with an Electric Consumption Tax and I asked Wayne for these numbers today. The City of Manchester has budgeted over \$5.5 million for electricity and they're talking anywhere from a...if that part of it passes...3.1% to a 5% increase and this is after we're supposed to have deregulation and that started today with an 8-11% decrease, so the other part of it is and I haven't seen the entire Bill was the City could stand to lose up to \$5 million in grant money as part of that Bill, so I would yield to my colleague from Ward 8 if he has more knowledge on it...I'm not asking the City to take a position, but I was a little concerned when I heard that information today.

Alderman Vaillancourt stated HB375 was the shell of an old bill that has been used by the Republican leadership to put together the new Claremont proposal which is meant to raise the \$200 million funding gap. Twenty-five million dollars of that is an increase in the electric rates, I guess it's a substantial increase for cities and for individuals it amounts to about \$2.00 a month. The question is do you want to fund it this way or do you want to fund it some other way. As I understand it it's a touch and go vote in the House, I probably personally will be voting against this amendment because I don't believe we should be sending the message that the proper way to fund schooling is with an increase in electric rates. So, I believe there are other means available. If it does pass the House it will be coming on to you in the Senate and I suspect it will never survive the Committee of Conference.

Mayor Baines commented I would be strongly opposed as I possibly can with anything around this electricity issue. Not only for the City but for large businesses in our community, the heavy consumers of electricity. I think it's the wrong message as we've worked on a very concerted effort to reduce rates for our citizens this is not the proper way to go and I am very concerned we had preliminary reports from Concord today because we've been following this legislation and Manchester could take a very substantial hit in terms of State funding...that, coupled with some of the other issues that

are falling such as the tuition situation with the schools could leave our schools and our School District in a very negative situation and so I would like to send a very clear signal out tonight to members of the House of Representatives to not support that kind of legislation.

Alderman O'Neil stated I just wanted to say that there has been a lot of good work, bi-partisan work over the years to try to get electric deregulation including a recent charge by Alderman Gatsas to kind of fine tune some things and he got it passed both the House and the Senate to delay the selling of the assets which greatly affects the electric rates right now. So, it just seems like we would be going backwards if this thing passed.

Mayor Baines stated we're out visiting businesses every week and some of our large consumers have raised the issue about the high costs that they're paying for electricity and the cost of doing business here in New Hampshire, so this is a very important issue and I appreciate the vigilance up in Concord.

Alderman Pariseau moved to have the Mayor send a letter to the House of Representatives expressing our opposition to electric rate increases. Alderman Thibault duly seconded the motion. Aldermen Wihby, Gatsas, Vaillancourt, Cashin and O'Neil duly recorded in opposition.

Alderman Cashin asked what about submitting a substitute proposal.

Alderman O'Neil stated the City on two fronts...where we're a big user of electricity in the City of Manchester and I was kind of startled when I saw the number that it's \$5.5 million as well as what could be in jeopardy for the City if we lose a significant amount of grant money. The only way to make it up is either you cut services or raise local property taxes to make it up, so that's all I was doing was trying to bring it to the Board's attention. I wasn't suggesting they take any action.

Alderman Vaillancourt stated I concur with the Chairman of the Board that unless you are prepared to offer a substitute proposal you shouldn't..

Alderman Cashin stated what I was said was unless we're prepared to send a notice up to Concord what we're going to support, I don't think we have any right in speaking up against something...I'm opposed to it, but I'm prepared to say what we'll support too, but I'm not going to put the Board on the spot tonight.

Alderman Vaillancourt stated as you know the House has struggled with various proposals everything from an income tax to a consumption tax to a sales tax...there's been talk about a head tax, there's been talk about an entertainment tax which would hurt the civic center which is still lying there.

Mayor Baines stated there wasn't enough votes to pass that, so I would declare that motion did not pass.

Alderman Cashin stated I'll go on record. I support the Governor's plan and I have no problem with that.

Alderman Gatsas stated the increase on that tax is 2.1% and basically to the City side it increases from .0005% to .003%, so the increase is about 2.1%, so the savings that the City would be seeing effective today of about 11% would be 9% instead, so that's the effective rate. But, that's on a House Bill that's coming back to the Senate.

Mayor Baines stated I feel fairly confident that on the Senate side we have bi-partisan representation and Manchester's not going to get the short drift on any legislation that comes out of Concord.

Alderman Wihby asked do we hear that we are not going to send a strong letter.

Mayor Baines stated no, it did not pass.

Alderman Wihby stated we had received a letter regarding a Yarger Decker review and I guess I looked through the names here and see all of the department heads, but I also see Paul Porter instead of Steve Tellier who is actually the head of the Assessors and I guess I get offended by that, your Honor.

Mayor Baines stated I think that was the original committee. These names came from Frank Thomas as the original committee. Frank, would you please explain this because Frank provided me with these names.

Mr. Thomas stated the Mayor asked me to identify the people that were on this Standing Committee when it disbanded and at the time Paul Porter was the head of that department.

Alderman Wihby asked why does it have to be the same people that were on the committee what's wrong with somebody different.

Mr. Thomas stated it can be somebody different.

Alderman Wihby asked why wouldn't you want somebody different.

Mr. Thomas replied I think the intent was to have the original group that first got involved with bringing Decker into the City to now sit back and take a second look at

where we are to potentially make modifications to the plan. But, again, I'm not locked in one way or another whether it's Paul Porter or Steve Tellier.

Alderman Wihby stated I would hope, your Honor, that we would put the department head on there. Paul was probably in charge at the time when it was done.

Mayor Baines indicated I have no problem with that and I think Mr. Tellier would be a fine representative on that committee and I would be happy to make that substitution.

Alderman Shea stated when a person starts something like construction and they put up an addition to their house and they don't get a permit and the person from the housing goes, they come down to City Hall and they get a permit, but they aren't charged any penalties for violating any rules. The person who's law abiding comes down, follows the rules, gets a permit and my opinion is that someone who violates a particular rule should be penalized. Why should we treat the person who is coming down getting a permit, paying the price and doing what is legitimate and another person not doing what's legitimate and doing the same thing and not being penalized and moved that this issue be referred to the Committee on Administration and Building Department.

Alderman Pariseau duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

Alderman Gatsas in reference to the Yarger Decker study asked is there some reason why we wouldn't get some people from outside of the City.

Mayor Baines replied I would have no problem with that. This was just the initial in-house review and then we're going to be looking at opportunities to bring in some other involved. This is just the initial in-house review.

Alderman Levasseur stated I have two points. First of all, I'm sure that many of the people in this room saw the column last week regarding Riverfest. Sitting on that committee now and having Riverfest Committee come before us on more than three occasions to discuss monetary issues, the way things are run and other issues I was very, very upset about the way that they said they slightly exaggerate the amount of people coming through the gate so they can get more money out of their sponsors. From the beginning, your Honor, I have always questions the fact that they told us by their numbers alone that there was 60,000 people coming through the gates, but the revenues only showed \$90,000 and figuring at \$5.00 a head 60 times 5 is \$300,000.

Mayor Baines commented that sometimes the whole thing doesn't get told and I would not...

Alderman Levasseur stated that is why I am bringing it up because I think that we should have...I think it is time that the Riverfest Committee comes in front of the full Board instead of just the Accounts Committee and talks about these issues because like I've said they're the ones that said 60,000 people have come into those gates. It's \$5.00 a pop, it's \$300,000. So, if they slightly exaggerate by let's say 50%.

Mayor Baines stated I don't personally concur with that, but if the Board wanted to do something...I think these are honorable people, doing an honorable job.

Alderman Levasseur stated I have received calls during the week over this issue and people are saying that they're worried about those numbers and I, as a person who has to represent this Ward in this City don't like the fact that we have to keep giving them \$25,000, \$15,000 every year. They haven't been able to pay their bills for the two years that I've been on that committee...now, you were kind enough to find them some money the last time they were short, your Honor, and we keep doing this.

Mayor Baines stated they intend to pay their bill.

Alderman Levasseur stated I agree and they have but they're always a year behind or so. Now, I just think there's a time we get some clarification on these issues...\$90,000 in gate revenue for three days doesn't sound right. So, I'm asking that we send this to another committee or we talk about this with the full Board.

Alderman Cashin stated I would just like to set the record straight. They have always paid their bills, they may have been a little late, but the bills have always been paid as far as I know.

Alderman Levasseur asked, your Honor, did you just give them \$15,000 out of your office to pay a bill.

Mayor Baines asked, Randy, would you explain because you were part of the meeting that we've had in terms of the whole history in terms of their financial relationship with the City.

Mr. Sherman stated at one point they were actually part of the City and it was probably back in the 80's that they split out and at that point they had a significant amount of cash. But, as you know, Riverfest run primarily based on the weather and if they have a few rainy weekends they take a bath. The performers still get paid and they have had some tough times. The last couple of years they have been bouncing back in collecting. Their problem is they haven't had the seed money up front to pay the entertainers. They want their money in June or at least a deposit in June and they came to the City last year looking for that seed money. Immediately after last year's event they reimbursed the

City, we were the first dollars that they reimbursed us. The problem is when they got down to the end they were short again. They had not paid for all of the Police work and they had not paid their electrician. So, they came back and again asked if they could get an advance. In all honesty, they need some good weekends and some good attendance. Now, I was at the meeting with the Mayor and folks from Riverfest when they talked about the attendance. Yes, they probably do puff up the attendance slightly trying to get some activity and get people down to the river, but a lot of the so-called 60,000 that have walked through the gates are children that aren't paying. So, it's very difficult to take the 60,000 and say what should the revenues be because keep in mind most of the people that go in there with children are young children and they do not pay.

Alderman Pariseau stated I think we have to take into consideration that these people are volunteers and to cast disparaging remarks about their honesty or integrity is totally wrong. We tried to do that with Intown Manchester...we got them all in a hassle because of one individual that didn't see things their way and I think it's time for this Board to stop. We can't be criticizing people that are doing city work to try and improve the City and to even hint that there's some wrongdoings or inappropriate misfunding is wrong and we've got to put our faith in the people that we have.

Alderman Lopez stated may I repeat the words that Alderman Pariseau said so I will save some time there, but at the last Board meeting we referred everything to your office to solve the problem with Riverfest, I think that can be verified. I don't think there's any need to go Gestapo type things here, just let it go these are volunteers and doing a good job.

Alderman Levasseur stated just because I ask a couple of questions it's Gestapo tactics. When I see something like \$90,000 in revenue and 60,000 people coming in, I have to ask some questions. Now, your Honor, you may have answered by question by saying that children don't have to pay. Now, that would answer the question for me, but I haven't heard that answer from the Riverfest Committee.

Alderman Pariseau stated why don't you ask that before you bring it to this Board.

Alderman Levasseur stated I asked that from the committee members because I sit on that committee and that is all I was requesting. I'm not trying to cast a dispersions, I'm just trying...I get calls from constituents and also people that are in the business that said they're just worried about the way this looks and that's there all is about it. I went to Riverfest and they had three nice sunny days and it keeps coming back to the City requesting \$25,000 at a time and I just want to make sure that we're doing it right.

Mayor Baines stated I feel very confident...we sat down with Mr. Clougherty was in attendance, Randy Sherman was there, I was there...we discussed all of these issues.

These are good people, honest people providing an activity that's a tremendous economic advantage to our community. We are in a situation where the City has a history with this program and we're there to help them to make sure that this program continues. I agree that we need to be very careful, we can ask prudent questions, I have no problem with that, but we've got to be very careful...these are volunteers and they are doing the best they can, I think they deserve the support of this Board for what they're trying to do. We will continue to work with them, the Finance Office is working with them, I am working with them...let's try to get their financial house in order, they are committed to paying their bills, they've always paid their bills and let's get behind and support them to make Riverfest bigger and better; that is what we are trying to do.

Alderman Levasseur reiterated I saw it in the paper and I just wanted to straighten the record. You remember at the last meeting, your Honor, somebody tried to charge interest on them and I strongly opposed that saying the same exact same thing you people have said, but when these things are said in the paper I think that they should come in and answer these questions so that there isn't this cloud around them and I think there is a cloud around it.

Mayor Baines stated I don't think they need to respond to everything that's printed in the paper.

Alderman Hirschmann stated with regard to the fiscal year 2002 budget deliberations by this Board. Right now, I'm pretty disappointed. Last night, we were supposed to meet with Anthem Blue Cross...who in this room can take responsibility for why that meeting was canceled and explain credibly why didn't we have a meeting last night. We could have met on many issues if there was one piece of the puzzle that wasn't solved, your Honor. Somebody is delaying our process. The Aldermen want to meet and resolve the budget and we ask for them on a specific day and it was put on a schedule. So, who canceled it at three-thirty yesterday afternoon.

Mayor Baines replied it was my decision to cancel it, I consulted with the Chairman of the Board about it because we had a situation where the Human Resources Department did not have certain pertinent information that was involved with this and we also consulted with the Finance Office and it was their advice also that we not proceed and we did so and we felt it was the right decision to make at the time. We are now ensuring that when we do come before you with all the information, we have all of the information that's necessary and we're going to proceed, so that's what happened.

Alderman Hirschmann stated that is not acceptable. I hate to tell you...there's a Board of 15 here and I would appreciate it if you would at least poll the Board. We could have had a productive night last night and worked on the City budget. There's about 43 days left and if we don't do the work it's a 7% tax increase.

Mayor Baines stated I disagree with that.

Alderman Pinard stated I'd like the Mayor's Office to send a nice letter of thank you to Raytheon, I think they deserve something from the City, the Board of Aldermen and you as Mayor and Chief Joe Kane. I think that Joe has put a lot of work into this and I would appreciate it if this could be done.

Alderman Levasseur stated I've been reading about this issue regarding the Meals and Rooms Tax money going to housing. You have been on top of that, your Honor, and I was wondering if you could clarify that because it's just stuff that's going around.

Mayor Baines stated initially we supported that bill because it would have a significant advantage for Manchester based upon what we had been doing in the Affordable Housing arena, I think under the original version of the bill I think it would have meant close to a million dollars...that was the figure given to us...since then there has been some compromising on the bill. I think the thrust of it and maybe Alderman Gatsas can give us some background related to the other towns in trying to provide incentives for Manchester also to be in the arena that we would not necessarily just be able to take advantage as we had done things in the past, but we're looking at whether we are going to continue to support that.

Alderman Levasseur asked when you talk about Affordable Housing do we talk about housing that comes in through the MHRA and doesn't pay taxes on the property.

Mayor Baines asked, Ted, would you give some background on the bill and what actually happened up there.

Alderman Gatsas stated the original proposed legislation was to pull \$5 million out of the Incremental Rooms & Meals and establish an Affordable Housing gift back for towns that were doing Affordable Housing in the past and that would have benefited some 57 communities out of 223 and in Ways and Means they changed that around and Manchester's allocation would have been an additional \$500,000 over their \$448,000 that they would have received anyway. In Ways and Means they restructured the bill so that instead of it being a gift it was allowing all 223 communities to participate in that revenue sharing on an equal basis. So that if Manchester tagged a \$2,500 per unit because what we need in this State is Affordable Housing and how do you generate that, it was to get more Affordable Housing to the market for lower rents and better Affordable Housing for people. So, they decided to earmark it on a \$2,500 per unit basis so that if Manchester does the same amount of units they did last year they would receive the same \$448,000 as they did last year. It would at least make available to a community like Harts Landing which gets \$2,000 now in the Incremental Rooms & Meals that if they put up one unit of

Affordable Housing they would get that \$2,500. So, they changed it around so it wasn't what you had done in the past, but what you would do in the future for Affordable Housing; that bill, I believe is going to be addressed in Finance on Monday.

Mayor Baines stated we've been working with Clara Monier and others on that as well.

Alderman Levasseur stated I thought we had passed an ordinance in our own Board that the money that came from the Rooms & Meals Tax was supposed to go to the Civic Center and I'm not sure...did we make an ordinance on that or was there a vote on that. I remember it came up with Kevin Clougherty or was it only a partial amount of money. There's \$9 million coming in isn't there.

Mr. Sherman replied the City has committed the Incremental Rooms & Meals money that it receives to pay the lease on the civic center. So, if that Incremental Rooms & meals money goes away the City will not be making the lease payments and therefore MHRA will not have any funds to pay that debt back.

Alderman Levasseur stated that is the reason why I was questioning why you were going to back this at the detriment to the Civic Center, but I was wonder if it was because there was extra money involved in that and it wouldn't have hurt that situation.

Alderman Vaillancourt stated, of course, if Manchester were to get an extra \$500,000 there would be other cities and towns that wouldn't. So, therefore, you can see that the other cities and towns would oppose this. Just as some bills pass the House and are in the wisdom of Senator's kill, some pass the Senate and in the wisdom of the House members would be killed there and I think this would be killed there. However, you do have to realize as Finance points out that Rooms & Meals Tax money, a portion of the Incremental increase goes for the Civic Center and as I said years ago this is something that the House and Senate give and the House and Senate can take away and the more times you play with that the more times people get the feeling that we might be able to take this away. Civic center proponents of which I am not one or originally was not one can be thankful that you have the New Hampshire Municipal Association which will fight like a tiger to keep that money coming back unfettered to cities and towns.

Alderman Cashin asked when do you feel we are going to have the benefit package.

Mayor Baines replied we're all set for Monday on that.

Alderman Cashin asked is there any need to meet with Police and Fire until we get the benefits package. I know there are questions that come up...do you want to meet with them Thursday.

Alderman O'Neil asked, Alderman Cashin, the benefit package is something they can't control, correct. So, I don't know why we wouldn't want to continue as planned to meet with Police and Fire.

Alderman Cashin stated there have been questions of departments heads in reference to...and if we don't have the numbers...

Alderman O'Neil stated it's not their numbers, it's HR's numbers.

Alderman Cashin stated I understand that, I'm just opening it up. We're scheduled to meet Thursday and if you want to continue that schedule, that's fine.

Alderman Gatsas stated I just have to ask this question, your Honor. How did you come up with your budget if Human Resources didn't have their numbers.

Mayor Baines replied we have the number the issue was related to the disparity between the individual departments and we wanted all of those questions answered by department. So, for example, you see different percentages in different departments. The total number is correct, but the issue was the individual departments to make sure that Human Resources was prepared to answer the questions department-by-department and that's where we're at.

Alderman Gatsas stated I don't think that any of the questions that we had with Blue Cross Blue Shield had to do with disbursement by department-by-department.

Mayor Baines stated it was our feeling at the time in discussion with the Finance Officer that we wanted to make sure we had all of the information related to benefits in one night so that we could answer all of the questions that were related to benefits; that was our decision.

Alderman Levasseur stated at the last budget meeting that we had I had asked a question about how much of the percentage of the increase of each department was the benefit number, will that number be provided for us on a department-by-department basis, so we can see.

Mayor Baines replied that is what we are working on.

Alderman Levasseur stated so we'll be able to see what the increase and then we can deduct that increase from what they've been asking and we can make a better judgment on that.

Mayor Baines stated we hope to have all of the complete information together and we met with Howard Thursday afternoon and he said he needed some more time to get all of that information together, so that is why we made the decision.

Alderman Levasseur stated that is why I agree with Alderman Cashin to meet with Police and Fire and not know what percentage of their budget increase was that number.

Mayor Baines stated I disagree. I think we should just go ahead and listen to the departments.

Alderman Gatsas stated I don't see how we can make that calculation because until we know where we are with the Health Insurance how can we ask justifiable questions.

Alderman Cashin stated I'm asking the question, do you want to meet. Can we have a show of hands.

Mayor Baines indicated a show of hand of 7 and his made 8.

Alderman Gatsas stated I didn't know it was your budget, your Honor. How can you raise your hand, you can't break that tie.

Mayor Baines stated to have the meeting, I can break that tie. Do you want to take a formal vote.

Alderman Cashin stated so it is my understanding that we are going to meet with Police and Fire on Thursday and we'll take a look at the schedule again.

Deputy Clerk Johnson stated the Clerk's Office just wanted to take this opportunity to remind people that we have about 2,000 dogs out there that aren't registered and if they don't get registered inside of the next week or so they are going to end up with a \$25.00 forfeiture fee in addition to the licensing fee for the dogs, so we would really like people to come into the office and register their dogs before they get hit with this.

There being no further business to come before the Board, on motion of Alderman Pariseau, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk